

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	Criminal Action No. 96-29
v.)	
)	
DIONA VAUGHN,)	

MEMORANDUM OPINION

In 1996, Diona Vaughn pleaded guilty to distribution and possession with intent to distribute a quantity of crack cocaine. For the past eleven years, Ms. Vaughn has been working in a nursing home as a Certified Nursing Assistant. She dreams of becoming a nurse but is prevented from attending a nursing program by her twenty-one year old conviction. She filed a motion to remove the charges from her criminal record (ECF No. 226).

Unfortunately, federal courts lack jurisdiction to expunge criminal records except in very rare, limited circumstances. In *United States v. Dunegan*, 251 F.3d 477 (3d Cir. 2001), the court explained “in the absence of any applicable statute enacted by Congress, or an allegation that the criminal proceedings were invalid or illegal, a District Court does not have the jurisdiction to expunge a criminal record, even when ending in an acquittal.” *Id.* at 480. The court may exercise jurisdiction if the conviction itself was illegal or the statute of conviction was deemed to be unconstitutional. See *United States v. Robinson*, 1996 WL 107129 (6th Cir. March 8, 1996).

Ms. Vaughn has not provided any evidence that her 1996 conviction was invalid, nor is the court aware of any circumstances that may support jurisdiction. Her motion, therefore, will be DENIED without prejudice.

September 18, 2017

BY THE COURT:

/s/ Joy Flowers Conti
Chief United States District Judge

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ORDER

AND NOW this 18th day of September, 2017, in accordance with the foregoing memorandum opinion, defendant Diona Vaughn's motion to remove the charges from her criminal record (ECF No. 226) is DENIED without prejudice.

BY THE COURT:

/s/ Joy Flowers Conti
Chief United States District Judge